



City Clerk's Office
CITY OF ENGLEWOOD
2-10 NORTH VAN BRUNT STREET
Englewood, NJ 07631
Phone: (201) 510 – 8212 (8213)
Fax: (201) 567- 4395
Email: apaton@cityofenglewood.org

Date Filed: _____
License Fee: \$50.00/ \$250.00 (191-6)
License No: _____
Granted: _____
Rejected: _____

MOBILE – FOOD ESTABLISHMENT APPLICATION
City Code Chapter 380 Article III

CHECK ONE: New Renewal

1. Name and address of applicant: _____

2. House Phone: _____ Cell Phone Number: _____

3. Address of establishment to be licensed: _____

4. Trade or Store Name, if any: _____

5. Owner's Name if individual: _____

6. Date and place of birth – applicant/ owner: _____

7. Driver's License number: _____ Expiration Date: _____

8. How many employees (total number on payroll): _____

9. If this license is for any type of vehicle, state address where vehicle will be garaged, parked or stored: _____

10. Have you ever been convicted of a crime?: _____ If "YES" give full particulars: _____

I fully realized that I must comply with all the rules, regulations and ordinances of the City of Englewood.

This license is not transferable.

Date Signature of Applicant/ Owner

DO NOT WRITE BELLOW THIS LINE

APPROVED DISAPPROVED DATE: _____ POLICE CHIEF _____

APPROVED DISAPPROVED DATE: _____ HEALTH DEPT. _____

APPROVED DISAPPROVED DATE: _____ FIRE DEPT. _____

CITY OF ENGLEWOOD

ORDINANCE #15-10

AN ORDINANCE AMENDING CHAPTER 311 PEDDLING, SOLICITING AND TRANSIENT MERCHANTS, ARTICLE I PEDDLING AND SOLICITING, SECTION 311-1 THROUGH 311-12 OF THE CODE OF THE CITY OF ENGLEWOOD

WHEREAS, the City of Englewood encourages the growth of mobile retail food vendors within the City of Englewood while regulating the side effects of this growing industry, such as parking, traffic and waste disposal; and

WHEREAS, this chapter seeks to regulate mobile retail food vendors through the annual issuance of licenses and permits. This chapter will assist the City with keeping record of mobile retail food vendor business within the City. License and permit fees will cover the cost of enforcement and administrative duties; and

WHEREAS, this chapter limits the proximity of mobile food trucks to brick-and-mortar restaurants to secure safe and adequately spaced sidewalks in case of a fire, flood, and other natural or man-made disaster; and

WHEREAS, this chapter seeks to limit the interaction between uses which are incompatible in character. While serving similar purposes, mobile food trucks and brick-and-mortar restaurants function separately and are not complimentary in nature.

WHEREAS, this chapter seeks to protect the character of stable commercial areas and to provide sufficient space in appropriate locations for each use. The City seeks to locate mobile food trucks in areas to better serve mobile populations. The City seeks to promote a desirable visual environment through limiting the interaction of each respective use.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Englewood:

Section 1. Scope.

The provisions of this chapter shall apply to mobile food operations engaged in the business of cooking, preparing, and/or distributing food or beverage from mobile retail food vendors on private property within the City of Englewood.

Section 2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated: **MOBILE RETAIL FOOD VENDOR** Any movable restaurant or retail food establishment in or on which food and beverage are transported, stored, or prepared for retail sale or given away at temporary locations. The term "mobile retail vendor" shall include and incorporate the term "mobile retail food vendors," as defined in Chapter 13 of the Englewood Health Code. Only the following mobile units shall be allowed within the City limits for use as a mobile retail food vendor, none of which shall exceed 35 feet in length:

- A. **MOBILE RETAIL MOTORIZED FOOD VENDOR** - A food establishment that is located upon a motorized vehicle where food or beverage is cooked, prepared and served for individual portion service. Such food vendors comply with this chapter and all requirements of this chapter, as well as any other applicable section of this Code. Shall also be known as "mobile retail food vendors".

- B. MOBILE RETAIL NON-MOTORIZED FOOD VENDOR – Movable, non-motorized unit (i.e., pushcart) where food or beverage is transported, stored or prepared for retail sale or given away at temporary locations.
- C. MOBILE RETAIL PRE-PACKAGED FOOD VENDORS — A food establishment that is located upon a motorized vehicle where pre-packaged food or beverage is served for individual portion service. Mobile retail pre-packaged food vendors shall be subject to Chapter 311, and shall be exempt from the regulations of this chapter.

Section 3. Hours of operation.

A. Sunday through Saturday, mobile retail food vendors shall operate between the hours of 7:00 a.m. and 6:00 p.m.

Section 4. Transfer of license and/or permit prohibited; exceptions.

A. No person holding a mobile retail food vendor license and/or permit shall sell, lend, lease or in any manner transfer any interest in a mobile retail food vendor license and/or permit.

Section 5. Location and Conditions.

Mobile Food Vendors shall only be permitted in the following location:

The Light Industrial (L-I) zones throughout the City and the Research, Industry and Medical (RIM) zone, excluding the Planned Unit Development Overlay (PUD-1) zone north and south of Route 4 on private property. There shall be no mobile food vendors parked on public property or streets. There shall be no more than one mobile food vendor permitted on any property at any time.

Section 6. Operation.

A. Any mobile retail food vendor being operated without a valid mobile retail food vendor license and/or permit shall be deemed a public safety hazard and may be ticketed and impounded.

B. Mobile vendor licensees shall be required to display the mobile retail vendor license and/or permit prominently when located in a permitted location. Being the lawful holder of a City of Englewood mobile vendor license and/or permit shall not be a valid defense to a citation for failure to prominently display the license in violation of this chapter.

Section 7. Enforcement.

Unless otherwise specified herein, this chapter shall be enforced by any Code Enforcement Officer, Parking Enforcement Officer, the Englewood Police Department, and/or the Health Officer.

Section 8. License fees and permits.

A. Mobile retail motorized food vendor business license. The application fee for a license or any renewal of a license granted by the City shall be \$100. The cost of the annual Health Certificate shall be included in this fee.

B. Mobile retail motorized and non-motorized food vendor parking permits. Mobile retail motorized and non-motorized food vendors operating within the City of Englewood are required to purchase an annual permit. The application shall include the proposed location(s) at which the applicant seeks to park as well as the written consent of the property owner(s). Only one permit shall be issued per property (i.e., Block and Lot).

Permits are available as follows:

	Time Length (weekly)	Annual Permit Fee
Motorized	7 days	\$250
Non-motorized	7 days	\$ 50

The permits and business licenses shall be renewable on an annual basis.

Section 9. Supplemental regulations.

A. Mobile retail food vendors shall not exceed 35 feet;

B. Mobile retail food vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters.

C. The City reserves the right to temporarily move any mobile retail food vendor to a nearby location for emergency purposes as determined in the sole discretion of the City.

D. All licensees and permittees shall comply with all applicable state statutes, all applicable City of Englewood ordinances, and any other law or regulation which may be applicable under the given circumstances.

E. Mobile retail food vendors shall comply with all ordinances, laws and regulations relating to noise in effect by the City of Englewood (Editor's Note: See Ch. 133, Noise Control).

Section 10. Violations and penalties.

Unless otherwise specified herein, any person violating any provision of this chapter shall, upon conviction thereof before the Municipal Court, be subject to a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both. The amount of such fine and/or imprisonment shall be determined by the sound discretion of the Municipal Judge. In addition to the aforementioned penalties, and as provided for herein, violations of this chapter may subject the license to suspension or revocation as provided for herein.

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RECORD OF VOTE

FIRST READING DATE: August 25, 2015

COUNCIL	MOTION	VOTE
Algrant		Y
Forman	X	Y
Skurnick		AB
Cohen		Y
Hamer		Y

DATE PUBLISHED IN THE RECORD: August 28, 2015

DATES PUBLIC HEARINGS HELD: September 8, 2015

DATE SECOND READING HELD: September 8, 2015

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Forman	X	Y	X	Y	X	Y
Skurnick		Y		Y		Y
Cohen		Y		Y		Y
Hamer		Y		Y		Y

Y=YES N=OPPOSED A=ABSTAINED AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

MAYOR FRANK HUTTLE III

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Lauren P. Vande Vaarst, RMC
City Clerk